

United States Courts
Southern District of Texas
ENTERED

AUG 21 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

Michael N. Milby, Clerk of Court

GALVESTON DIVISION

RAY CHARLES FLOYD, #617480

V.

NATHANIEL QUARTERMAN

§
§
§
§
§

CIVIL ACTION NO. G-06-542

ORDER TO TRANSFER

Petitioner, Ray Charles Floyd, an inmate at the Stevenson Unit in Cuero, DeWitt County, Texas, filed this action seeking relief under 28 U.S.C. § 2254, from an adverse disciplinary action that took place at the Ramsey III Unit located in Brazoria County, Texas, within the Galveston Division for the Southern District of Texas.

Floyd was convicted in Galveston County which is within the Galveston Division of the Southern District of Texas. Although the disciplinary hearing occurred in this Division, by the time Floyd filed his habeas petition he was incarcerated in a prison unit within the Victoria Division of Southern District of Texas. The Galveston Division, therefore, lacks jurisdiction to hear Floyd's petition. Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000) However, because Floyd is before the Court *pro se* and because the federal habeas statutes now contain, *inter alia*, a one-year limitations period, the Court finds that it is in the best interest of justice that Floyd's petition be transferred to a Court in which it could have been filed rather than be dismissed. See 28 U.S.C. §1631 Since prison disciplinary records accompany inmates when they are transferred from one unit to another within the Texas prison system, both Floyd and the relevant records are presently located within the Victoria Division.

For the foregoing reasons, it is hereby **ORDERED** that this case is **TRANSFERRED** to the **United States District Court for the Southern District of Texas, Victoria Division**.

It is further **ORDERED** that Jones be sent notice of such action, pursuant to the General Order of May 30, 1985.

DONE at Galveston, Texas, this 11th day of August, 2006.



John R. Broeschner
United States Magistrate Judge